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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,357	02/22/2002	Douglas H. Wylie	D1841-00079	9759

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EXAMINER
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FISCHER, JUSTIN R

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/081,357

Applicant(s)

WYLIE ET AL.

Examiner

Justin R Fischer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 14-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of a covering method for securing a ventilation cloth to a screen frame in the reply filed on April 23, 2004 is acknowledged. The traversal is on the ground(s) that the examiner has not established a serious burden for searching each of the groups. It is noted that applicant has presented a modified version of the restriction in which claims 1-13 and 39-50 are included within a single group. In view of applicant's arguments, it is agreed that claims 1-8 and 9-13 (new group I) should be examined together. However, claims 39-50 define an invention that contains unique and patentably different subject matter as compared to claims 1-13. In particular, claims 1-13 define a method of securing a ventilation cloth to a screen frame in which the screen has a vertical orientation and the adhesive on said screen frame is melted. On the other hand, claims 39-50 are directed to a method of forming an assembly from screen material and a frame in which the adhesive is pre-heated (different from "melted" limitation of group I) and a plurality of pins are provided to push the screen onto the frame. It is emphasized that each of the above noted groups has a unique and separate means for establishing patentability and as such, restriction is proper.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9, 11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Le Tarte (US 3,455,367). As best depicted in Figures 1-6, Le Tarte is directed to a method of forming a screen assembly comprising the steps of placing an adhesive or plastic strip 12 against a portion of the frame 11, placing a screen 10 (ventillation cloth) across the adhesive-containing portion of the frame 11, and applying heat/pressure via a heated roller 41 (elongated insertion member) in order to melt or soften the adhesive 12 and insert the screen into the adhesive. Figure 5A clearly depicts the fusing and melting of the adhesive into the screen.

As to claim 11, the heated roller 41 contains a resistive coating, such as Teflon (Column 3, Lines 45-50).

Regarding claim 13, a precut area of screen 10 is placed over the entire frame 11- this constitutes "hanging the ventillation cloth across the mounting surface of each segment simultaneously". Furthermore, Le Tarte teaches that the heated roller 41 or elongated insertion member is used for securing the screen to each of the segments of the frame (Column 3, Lines 15-20 and Lines 65-70).

4. Claims 9, 10, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Insalaco (US 5,238,515). Insalaco teaches a method of securing a fabric-like sheet (screen/ventillation cloth) to a frame member comprising the steps of placing adhesive on the mounting surface of said frame, placing or spreading the fabric-like sheet over the adhesive-containing frame, and applying pressure and heat simultaneously via a

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series of rollers (elongation members) and a heating element, respectively, wherein said heat effects rapid melting of the adhesive (Column 2, Lines 25-50).

As to claim 10, it is evident from Figure 9 that the rollers move perpendicular or normal to the plane of the ventilation cloth (in reference to the orientation of the ventilation cloth in the region contacted by the rollers).

Regarding claim 13, Insalaco states that the method noted above is used to secure the screen to each of the frame segments (Column 2, Lines 50-55).

5. Claims 1, 4, 5, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Sekiraku (JP 63180519). Sekiraku teaches a method of securing a screen to a door (frame) comprising the steps of placing a screen on a jig 2 (elongated insertion member), applying adhesive to said screen, conveying the adhesive-containing screen forward, and pivoting said jig in order to arrange/secure said screen against a vertically oriented door/frame B. In this instance, the action of the jig to position the screen adjacent the door and subsequently push or insert it against the door is seen to constitute "hanging" and "inserting" as required by the claimed invention.

As to claim 4, the door B is seen to be substantially vertical (approximately 0 degrees).

Regarding claim 5, as noted above, the jig 2 is seen to constitute an elongated insertion member in that it pushes or inserts the screen against the door/frame.

With respect to claim 8, Sekiraku includes a moving hanger 22 to which the door is mounted (obtained from USPTO translator).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiraku and further in view of Le Tarte, Insalaco, and Takaoka (JP 05309821). As noted above, Sekiraku substantially teaches the method of the claimed invention, including securing a screen to a vertically oriented frame with adhesive. In describing the adhesive, Sekiraku generically states that the adhesive is applied to the screen- the reference fails to expressly suggest the use of a heat activatable adhesive. The particular selection of the type of adhesive used in Sekiraku would have been well within the purview of one of ordinary skill in the art at the time of the invention and one of ordinary skill in the art at the time of the invention would have found it obvious to use a heat activatable adhesive since it is extensively used in a variety of industries, including screen assemblies. For example, Le Tarte, Insalaco, and Takaoka are each directed to a method of securing a screen to a frame in which a heating step is provided to melt/soften the adhesive and provide a desired attachment between the screen and the frame. Thus, it is well recognized that heat activatable adhesives represent a common form of adhesives and more particularly, are suitable for the manufacture of screen assemblies. Absent any conclusive showing of unexpected results, one of

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ordinary skill in the art at the time of the invention would have found it obvious to use a heat activatable adhesive in the method of Sekiraku (results in a melting step).

8. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiraku and further in view of Insalaco. As noted above, Sekiraku substantially teaches the method of the claimed invention, including securing a screen to a vertically oriented frame with adhesive. While it is unclear if the door/frame is clamped in the device 22 (defined as a moving hanger), one of ordinary skill in the art at the time of the invention would have found it obvious to clamp the door/frame in order to accurately and securely position the door in relation to the screen. The technique of clamping is used in a wide variety of industries for the benefits detailed above. Insalaco provides one example of a similar method in which a screen/fabric is secured to a frame, wherein the frame is secured to the mounting apparatus via a plurality of clamps (Column 5, Lines 64-68). It is emphasized that clamps are extensively used to restrict the movement of a given substrate or device as desired- in this case, one of ordinary skill in the art at the time of the invention would have been motivated to clamp the door/frame in order to accurately position the screen on the door/frame.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Graham (WO 99/11165), Schuermann (DE 3708640), and Monsoro (FR 2620486) are all directed to the manufacture of screen assemblies using adhesive.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Justin Fischer

July 9, 2004



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